



Security Council

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**Letter dated 23 December 2009 from the Permanent
Representative of Eritrea to the United Nations addressed to the
President of the Security Council**

Upon the instruction of my Government, I would be grateful if the annexed press release entitled "A shameful day for the United Nations", issued by the Ministry of Foreign Affairs of the State of Eritrea on 23 December 2009, could be circulated as a document of the Security Council.

(Signed) Araya Desta
Ambassador
Permanent Representative

Annex to the letter dated 23 December 2009 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Press release entitled "A shameful day for the United Nations"

The United Nations Security Council has today passed a shameful resolution imposing sanctions against Eritrea. The unjustifiable measures imposed on Eritrea include: an arms embargo; the inspection and seizure by Member States in their territory of such cargo to and from Eritrea; and the imposition of a travel ban, and the freezing of assets of Eritrea's political and military leadership who may be blacklisted by a committee.

As Eritrea has strongly emphasized in the past weeks, this brazen act is based neither on fact nor on the provisions of international law. It constitutes a travesty of justice and amplifies the dangers inherent in a unipolar world.

The fact of the matter is that this resolution was originally conceived and feverishly executed by the United States of America. The United Kingdom of Great Britain and Northern Ireland and especially Uganda, were co-opted as sponsors of the resolution for purposes of deceitful packaging. The United States Mission to the United Nations further tried to invoke a resolution of the African Union to disguise the real culprit; but in the end, this cover did not work. As it happened, the Ambassador of the United States to the United Nations was ultimately forced to come out of the closet and cajole United Nations Member States into adopting the resolution willy-nilly.

Setting aside the misguided policies of the United States Administration in the Horn of Africa region and the loathsome personal agenda of the United States Ambassador to the United Nations who could not hide her obsessive desire to "punish Eritrea" and "break its arrogance", what are the accusations levelled against Eritrea? How do these accusations square with the provisions of the Charter of the United Nations? Does the heavy-handed process pursued in this case conform to the modalities and precedents of the United Nations Security Council in imposing sanctions against a Member State?

1. It must be stressed that the accusations against Eritrea for involvement in Somalia have never been substantiated or verified. Many Member States objected to the draft resolution in the early days precisely for these reasons though they acquiesced as a result of United States pressure later. The Somalia Monitoring Group had previously accused Eritrea of "supplying arms to those opposing the Transitional Federal Government". This clause was later dropped quietly and the revised version indicts Eritrea for "providing political, financial, and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia". As pointed out earlier, these allegations were, again, not explained or substantiated. Indeed, how can Eritrea provide logistical support to armed groups in Somalia when it does not have a contiguous border with that country? The allegation of financial support is equally tenuous. Eritrea has neither the political will nor the financial clout to bankroll armed groups in Somalia. As for the accusations of political support, it is well known that Eritrea has not recognized the Transitional Federal Government for cogent and well-thought-out reasons. This was also the case with the externally established previous Transitional Federal

Governments installed in Mogadishu without the consent of the Somali people. Eritrea's impartial and balanced position emanates from its profound desire to contribute to a durable and sustainable solution to the crisis in Somalia. These political considerations aside, the fundamental legal issue at hand is whether this matter of purely sovereign national jurisdiction can be misconstrued as a subject of United Nations Security Council concern. Is it the mandate of the Council to punish any Member State on account of the political views it holds or the diplomatic choices it makes? Has the Council ever imposed sanctions against one or more countries because they have not recognized Kosovo, Abkhazia or Ossetia? Does controversy on matters of this nature empower the Council to take punitive measures against a defenceless country arbitrarily?

2. The resolution refers to the "decision of the 13th Assembly of the African Union in Sirte, calling on the Council to impose sanctions against ... Eritrea". Again, this assertion is replete with distortions and half-truths. As underlined earlier, the resolution was co-sponsored by Uganda in its individual capacity. It was not tabled but, on the contrary, vehemently opposed by the Libyan Arab Jamahiriya which is the current Chair of the African Union and a non-permanent member of the Council. More importantly, the Council's function is not to rubber-stamp resolutions adopted by a regional organization when invoking Chapter VII of the Charter of the United Nations to impose sanctions against a Member State but to do so independently and only on the basis of incontrovertible facts and law.

3. In an unprecedented show of cynicism, the United Nations Security Council resolution recommends other punitive measures against Eritrea on account of the United States-fabricated "border dispute with Djibouti". For seven long years now, since the Eritrea-Ethiopia Boundary Commission gave its final and binding award in the border dispute between Eritrea and Ethiopia in April 2002, the Council has refused to shoulder its responsibilities to ensure respect for the arbitration decision in accordance with the provisions of the Algiers peace treaty which was largely drafted and explicitly guaranteed by this same body. This has encouraged Ethiopia to violate its treaty obligations, the Charter of the United Nations and international law so as to continue its occupation of Badme and other sovereign Eritrean lands. This same Security Council is now singing a different tune, simply because it is played by Washington, in threatening Eritrea with punitive measures for a non-existent border conflict.

Security Council resolution 1907 (2009) is thus not based on law and incontrovertible facts. The United States has simply employed its preponderant influence to ram through unjustifiable sanctions against a small country. What is shameful is that the United States has been allowed to use the platform and authority of the United Nations to perpetrate injustices against the people and Government of Eritrea for the second time in recent history. What is shameful is that other major powers in the Council cannot go beyond expressing their disappointment, mostly in private meetings, to check the excesses of Washington. What is shameful is that the United States can turn the tables and victimize an innocent nation for the very crimes that it was responsible for in the first place. Because the truth is that the United States is mostly responsible for the mayhem and suffering that is bedeviling Somalia today. Indeed, it is common knowledge that as intractable as the Somali crisis is, there were real hopes of a turnaround for the better in 2006. For reasons that defy reason, the Bush Administration then acted to roll back those promising developments in order to instigate and support Ethiopia's invasion of Somalia. That

single debacle claimed the lives of thousands of innocent Somalis, made half a million people homeless and aggravated the humanitarian crisis in Somalia to an unprecedented degree. But, then, the Council is not taking action on the basis of justice and legality. It is taking action on the basis of the existing power balance in a largely unipolar world. This does not bode well for international justice and peace. This is why today is a shameful day for the United Nations.

Ministry of Foreign Affairs
23 December 2009